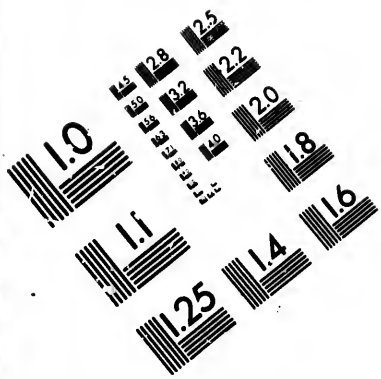

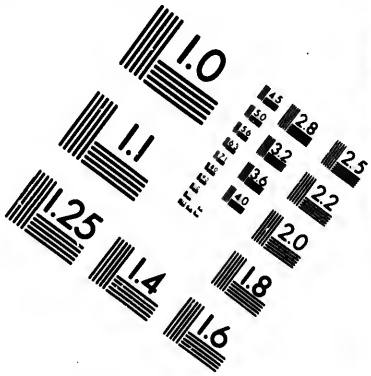

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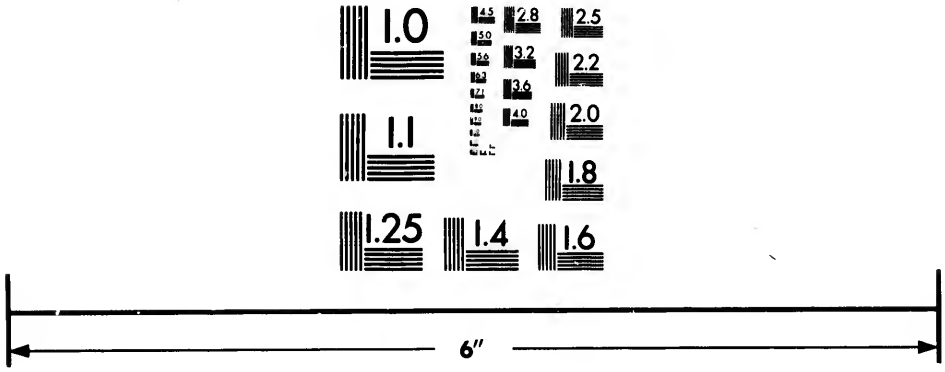

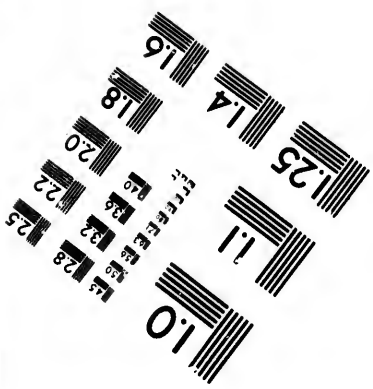

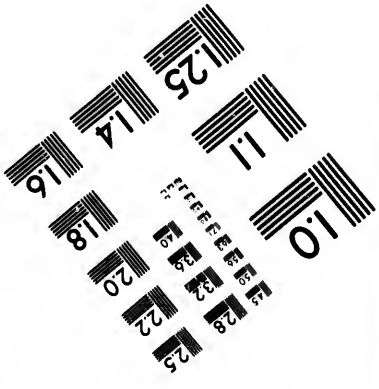

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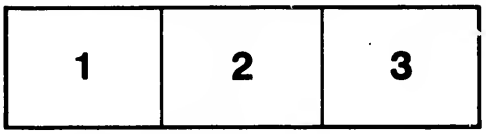

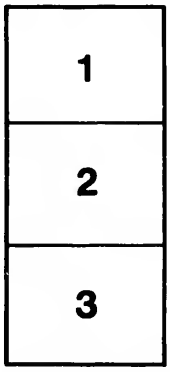

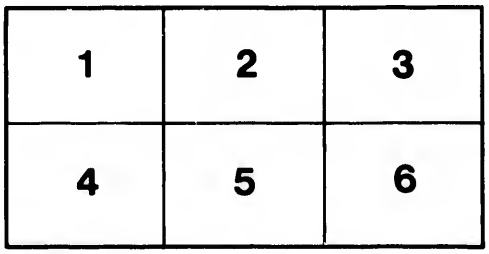

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ESSAY

ON

MODERN MARTYRS:

WITH A

LETTER

TO

GENERAL BURGOYNE.

——— "SUPERAT, ET CRESCIT MALIS
IRAQUE NOSTRA FRUITUR."

SENECA, *In Hercule Furente.*

LONDON:

PRINTED FOR MESSRS. PAYNES, AT THE MEUSE GATE, AND R. FAULDER, NEW BOND STREET.

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E S S A Y

ON

MODERN MARTYRS.

IN the annals both of religious and political controverſy, it has long been a remark, that the ſufferings of martyrdom have gained more converts, than the terror of authority, or the perſuaſion of eloquence. Every paſſion was armed againſt thoſe who invaded the freedom, who fettered the conſcience of man; every ſentiment applauded the ſincerity of him who braved dangers, miſfortunes, and death, in ſupport of the tenets he had adopted, or the party he had eſpouſed.

The conſtancy of religious martyrs was, indeed, founded in hopes extending far beyond the limits of our preſent exiſtence; in hopes which neither were blended with the deſire of immediate praiſe, nor anticipated the honours of poſthumous celebrity. Yet even theſe ſublunary motives have been found ſufficient to kindle, and keep alive the flame of political enthuſiaſm, and

the patriots of former times resisted the temptations of interest, or despised the menaces of power; often without other incitement than the love of well earned fame, without other allurement than the pleasure of self approbation.

Such were the simple motives, such the limited views of those, by whose enterprizes, or whose sufferings the constitution of this kingdom has been established, defended and improved. If it was a reproach on some, that, warped by ambition, they connected their private aggrandizement with the pursuit of public utility; if it be justly observed of others, that, in the warmth of incautious zeal, they advanced doctrines subversive in the end of that freedom, which they had laboured to support; yet it seems never to have been doubted, whether they were serious in the chief object of their pursuit; whether the dangers, to which they were exposed, were real, and the misfortunes, which they underwent, afflicting.

To the ingenuity of modern times, ever busy in researches and fertile in improvement, it has been left to discover a new system of martyrdom; a system, into which neither wheels, nor flames, nor axes, are permitted to enter; but in

in which triumph refults from punifhment, and advantage fprings from calamity; by which the infignificant may rife to importance, and the indigent to affluence, by the efficacy of mock misfortunes, and the emolument of lucrative heroifm.

It cannot, however, be denied, that the modern candidates for martyrdom, have in the leading principle of their conduct, complied with the maxims of philofophy, and, in fome fenfe, obeyed even the dictates of religion; for we fhall find their plan to be founded, in a juft eftimation of the good and evil of life: we fhall find them often facrificing the prefent to the future, and fubmitting to a temporary, and at leaft to an apparent inconvenience, from the almoft certain profpect of fubftantial reward.

Amongft the devices by which public attention may be excited, and public compaffion awakened towards thofe, whom neither genius, nor induftry, nor virtue would have forced into diftinction, the moft frequent, and perhaps the moft fuccefsful, is the art of connecting illegal tranfgreffions with popular purfuits, and rendering the adminiftration of juftice odious, by complaint and clamour, againft that correction which

which has been deſervedly, nay often deſignedly, incurred.

There are a ſpecies of offenders in this country who claim merit from the avowal of deliberate malignity; whoſe public virtue is diſtinguiſhed only by an oppoſition to public juſtice, and whoſe policy conſiſts in taking advantage of that diſpoſition in ſome minds, that conſiders all government as an oppreſſion, that feels all ſubordination as a miſery. Such a diſpoſition, inflamed by popular clamour, and directed to the purpoſes of faction, has often counteracted the ends of juſtice, by converting it's ſentence into a reward; and the deſperate rioter, the malicious libeller, or the treaſonable diſperſer of ſedition, have been enabled to revel in the dainties of a luxurious impriſonment, or thrive on the revenue of a profitable pillory.

There is another ſource of advantage to this firſt and loweſt ſpecies of martyrs, in the topics of eloquence they often furniſh, and the popularity they ſometimes procure to parties adverſe to government. They may be conſidered as leſſer inſtruments, as ſubordinate wheels in the great and complicated machine of oppoſition. The duties and ſervices required by the ſyſtem of party,

party, are ſo various, and even oppoſite in their nature, as to demand abilities of every degree, and characters of every denomination. There are ſome invectives too indecent, ſome accuſations too malevolent, and ſome falſhoods too ſhameleſs, to be propagated or avowed by any, but the loweſt drudges of faction. The architect, however accurate his judgment, however elegant his taſte, muſt be indebted for the execution of his plans to the humble labours of meaner artificers; and ſince the mighty fabricators of ſedition cannot themſelves accompliſh every miſchief they project, they muſt on ſome occaſions purchaſe the aſſiſtance of hirelings, to whom treaſon is a practical trade, and ſcurrility a daily occupation.

To illuſtrate this theory by examples, may ſeem almoſt ſuperfluous, in an age ſo fertile in candidates for martyrdom. The common council-man of almoſt every ward, and the printer of almoſt every newſpaper, feeds on the hope, or enjoys the recollection of authority inſulted, or juſtice provoked; ſpeculates on the profit of ſufferings, and pants for the celebrity of perſecution.—Perſecution, the ever ſucceſsful pretence by which contending factions have alternately triumphed: by which, in the days of

Sacheverel,

Sacheverel, a popular adminiſtration was rendered odious, a diſtinguiſhed conqueror diſgraced, and a national confederacy diſſolved: by which the more celebrated adventurer of our own times has been enabled, through a progreſſive courſe of beneficial puniſhments, to attain the higheſt objects of modern martyrdom; to derive ſafety and ſubſiſtence from exile, the enjoyment of luxuries and the diſcharge of debts from impriſonment, and the firm poſſeſſion of parliamentary honours from expulſion; and at length (when the bubble of patriotiſm was almoſt broken) to ſecure the more eſſential reward of an affluent income; and thus to crown our admiration of wit, that almoſt reconciles us to fraud, of ingenuity that almoſt atones for impoſture.

A ſecond ſpecies of martyrdom, more hazardous indeed, but often productive of greater emolument than the former, conſiſts in the *noble* and *diſintereſted* act of relinquiſhing ſome preſent advantage, in the ſuppoſed certain proſpect of more exalted power, or more ample profit. Such a ſyſtem is, indeed, from it's nature, confined to the higher order of ſufferers, and ſuch as may be emphatically ſtiled the *political*, as thoſe before deſcribed, may be rather termed the *penal* martyrs. To ſacrifice the poſ-

ſeſſion

ſeſſion of a lucrative employment, wears at the firſt glance ſo ſtrong an appearance of ſincerity, that we almoſt overlook the folly of unſteadineſs, and forget the treachery of deſertion. Yet on a nearer view of circumſtances and characters, we ſhall not conſider the political martyr, merely as a convert to falſe popularity, but rather as a refined (though often diſappointed) ſpeculatiſt, who weighs the chances of events, and calculates the fluctuations of power with an almoſt arithmetical nicety.

This examination will ſerve as a clue, by which many of the moſt intricate mazes in political conduct may be eaſily unravelled. Timidity alone, for inſtance, might be deemed a ſufficient cauſe, when an unpopular miniſter abruptly deſerts his aſſociates, and ſhrinks on the firſt alarm of a decreaſing influence. But ſhould we obſerve the ſame miniſter, after a temporary ſhelter from the ſtorm, and when it's violence is paſt, return to an elevated, though a leſs reſponſible office, it will then become apparent, that a wiſe regard for the main chance of life, almoſt equally balances the fond attention to perſonal ſecurity. Should we ſee in proceſs of time, the ſame miniſter, on the firſt appearance of ill ſucceſs, veer

with

with the gale of fortune, court and combine with his old and inveterate enemies, condemn the measures he had suggested, and vilify the persons with whom he had acted, accuse with more than factious rancour, and threaten with worse than patriotic scurrility, we shall then admit that nothing can be wanting to the completion of such a character; we shall then look back with wonder at the steps by which he has reached a summit of political infamy, unknown before; and the mind of an honest spectator, shocked by the example of perfidy, shamed by the outrage on decency, will find no other quiet than in reconciling indignation with contempt.

An instance so eminent and so notorious, will be sufficient to characterize and exemplify this second class of martyrs; nor is the charitable and forgiving temper of those, who so cordially cherish the repentant sinner, a less worthy subject of admiration. It has often been absurdly imagined, that political resentment ought, in some respects, to differ from personal enmity; and that the latter, on adequate atonement and due reparation, ought entirely to cease; but that the former, when founded in public and patriotic motives, should at least prevent an intimate union with one whom we have loudly

declared

declared the enemy of his country. To vulgar minds it is not an eaſy ſuppoſition, that an oppreſſive and corrupt miniſter can (without a miracle) be metamorphoſed into a true patriot, and that the perſecutor ſhould inſtantly and unaccountably become a proſelyte; yet ſo mighty are the effects, ſo wonderful the conſequences of political converſion, that it ſhall eaſily extinguiſh offences, for which impeachment was once deemed too mild a proſecution; the criminal ſhall be adopted by his accuſers, as a worthy aſſociate, as a glorious leader of party: and who ſhall dare ſuppoſe their former enmity malevolent and unjuſt, or impute their recent friendſhip to motives of intereſt and faction?

The third ſpecies of martyrs would be deemed too ludicrous to deſerve ſerious notice, did not the ſupport they receive originate in a very dangerous, as well as curious ſyſtem of modern policy. Theſe are the ſelf-created martyrs, the ſelf-proclaimed victims, who court the public favour, or pacify the public reſentment, not only by voluntary but even by viſionary ſufferings. In the front of this venerable band appear the *military martyrs*, armed with recriminating invectives, ſhielded by new-formed connections, ſtored with voluminous

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harrangues, arrayed in all the pomp of burlesque inquiries, and adorned with all the trophies of partial approbation. In vain would common sense oppose her strength against the power of military eloquence; in vain might she represent, that true valour would require no aid from the refinements of sophistry, that real exploits would borrow no ornament from the pomp of declamation; that the commanders of former days established the glory, and extended the empire of their country, not by tedious recitals, but by actual and effectual enterprizes; that the proofs of meritorious service did not then rest upon the opinion of friendly witnesses, but on the records of impartial history, on the grateful applause of their countrymen, on the universal sense of mankind.—Vain, indeed, would be such arguments with those, who deem it their interest to conjure up ideal accusers, to complain of fancied oppressions, and to represent as mere insinuations of a ministry, that general dissatisfaction which their own conduct has inspired throughout the kingdom.

Yet, perhaps, the result of these inquiries (though pursued almost wholly on one side) has wrought little change in the sentiments of men, unconnected with the views, and unbiassed by

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the motives of party. It has not yet appeared to them, utterly impoſſible to gain conqueſts with brave and numerous troops, to oppoſe diſorder by diſcipline, or to purſue an enemy whoſe only hope of ſafety is in retreat. Procraſtination and delay are not yet deemed abſolutely neceſſary to the ſucceſs of martial enterprize, nor indolence and voluptuouſneſs the only qualifications of an able general. Neither, on the contrary, are we yet poſitively certain, that honour and advantage can be acquired by no other means, than plunging headlong into defeat, diſgrace, and captivity. The obſtinate adherents to ancient prejudice would ſtill rejoice at ſome inſtance of ardour obedient to the direction of judgment, and caution invigorated by the alacrity of zeal.* In their weak apprehenſions, though failure might often be pitied, and error ſometimes atoned, yet beneficial conqueſts and diſtinguiſhed ſucceſs could alone warrant the claim to applauſe and admiration.

And indeed there is ſome plauſibility in this mode of reaſoning: nor will it be very eaſy to find an inſtance, in which it's truth has been called in queſtion from the days of Creſſy to Minden.

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* It may be unneceſſary to ſay, that this ſentence was written before the account of General Prevoſt's ſucceſs in Georgia had been received.

The fact is, the principles of fame are nearly inverted by the ingenuity of modern times. The celebrity of military martyrs commences from their failures: there is a gradual and equal progreſs in their loſſes, and their praiſe; and their private ambition is elevated, in proportion as the public intereſt declines.—Thus, the not improving an eaſy victory, (ſuch, for inſtance, as at Long Iſland and Ticonderoga) is no ſlight omen of their riſing merit—an injudicious and hazardous detachment, ill ſupported, (as at Trenton and Bennington) wonderfully enhances the credit of their diſcretion—not taking meaſures to check an increaſing and approaching enemy, (ſuch as at Quibletown or Stilwater) really begins to give an auſpicious preſage of the event—but if one candidate for military martyrdom has the wiſdom, unneceſſarily to ſacrifice a part of his army, (as at Redbank) in the injudicious attack of a poſt, which he never ſhould have ſuffered to be eſtabliſhed, and which by another method might have then been taken, (as afterwards it was) with very inconſiderable loſs; then indeed may he exult in the ſecurity of immortal fame; then indeed may he claim applauſe, inferior only to the honours of that General, who, by the ſurrender and ruin, of his army, may congratulate himſelf on the peculiar

culiar lot of having ſtrengthened domeſtic revolt, by the acceſſion of foreign hoſtility.

The object of military purſuit, being thus totally changed in it's nature, the operations of war muſt of courſe be conducted on a correſpondent ſyſtem.—That ſagacious dread of ſucceſs, manifeſted by a great General of antiquity, in deliberating upon the probable conſequences of a ſecond battle, may, with more literal preciſion, be applied to a *modern* hero, even before he has hazarded the firſt. "*A victory in his circumſtances would be ruin.*"—For having duly revolved the fortune of war, and eſtimated the advantages of failure, compared with thoſe of ſucceſs, he very conſiſtently prefers the loſing as the ſureſt game. Thus, like one ſpecies of adventurers in a lottery, the modern General inſures on the *blanks* of war; and what, to vulgar apprehenſions, might appear deſtructive to his hopes, in ſecret ſecures a profit far beyond the ordinary prizes of good fortune, or the uſual attainments of victory.

Neither does the conduct of a modern General, after his retirement from half fought battles and ignominious ſurrenders, bear the moſt exact reſemblance to that venerable eaſe, that modeſt dignity,

dignity, which in former times diſtinguiſhed the hero in retreat. Far different the views, far brighter the proſpects that flatter the pride of our ideal conquerors, and gild the evening of their day. What, tho' the teſtimony of public applauſe be wanting to commemorate their ſervices? yet the partiality of friends, the intereſt of dependants, and the fury of party zealots ſhall raiſe a clamour, loud at leaſt, if not univerſal, vehement, if not ſincere.

It was a complaint in the declining days of Athens, that their Generals had combined with the orators to ſubvert the conſtitution of their country. Far be it from us to countenance a ſimilar reproach on that illuſtrious and extraordinary band, the martial politicians of the preſent age, how much ſoever their conduct may appear to warrant the imputation; rather let candour attribute the whole ſyſtem of cabals, of accuſations, of inquiries, of prophecies, and of paſtoral letters to conſtituents, to the mere innocent object of preſerving ſome remnant of public eſteem, or of erecting ſome new fabric of artificial honour. For tho' the muſic of genuine fame can no longer ſooth their ambition, yet the thunder of party eloquence ſhall auſpiciouſly aid their revenge, and their brows, tho' not encir-

cled

cled by the laurel of conqueſt, ſhall yet be adorned with the crown of martyrdom.

To enumerate fully and deſcribe minutely, the ſeveral inferior claſſes of imaginary martyrs, would perhaps be an endleſs as well as an irkſome taſk. The diſappointment of extravagant proſpects, the denial of unreaſonable requeſts, the apprehenſion of fancied injuries, excite conflicts of a thouſand reſtleſs paſſions, too ſtrongly implanted in our nature. And, as on ſuch occaſions, we are not always inclined to judge with perfect impartiality, or to trace the diſquiet of our minds to it's real and original ſource, every refuſal to promote ambition, to dignify pride, to inrich avarice, to abet injuſtice, or even to flatter ſelf-conceit, inſtantly becomes a topic of bitter complaint, and a ground of inveterate enmity.

Such are the characters extolled, ſuch the meaſures adopted, and ſuch the inſtruments employed by that party (or rather aſſemblage of parties) who have diſtinguiſhed themſelves of late years by a furious and unremitting oppoſition to government; who, by inflammatory ſpeeches, perverſe interpretations, and intereſted cabals, have not much contributed to heal

thoſe

thoſe public evils ſo frequently lamented and induſtriouſly expoſed.

To diſtinguiſh thoſe claſſes of men, who, tho' adverſe to goverment, cannot be friends to freedom, to detect the arts of hypocriſy, and to expoſe the pretences of impoſture, is ſurely an undertaking worthy of ſome approbation, when prompted by truth, and performed with ſincerity. If (as we are often told) it is only by an union of the pureſt intentions, of the wiſeſt councils, of the moſt active and vigorous meaſures, that national dignity can now be reſtored, or national ruin averted, we muſt ſcrupulouſly examine the character of every candidate for power, of every competitor for fame and diſtinction. And though neither diſcretion nor decency admit us raſhly to pronounce on their ſeveral degrees of virtue and ability; yet it requires little conſideration to point out ſome, in whom public confidence ought never to abide; it requires little experience to aſſure ourſelves, that thoſe who moſt vehemently oppoſe, are not for that reaſon alone the fitteſt to direct the meaſures of government, ('novandis, quam gerendis rebus, aptiora ingenia illa ignea') nor ought vice to be honoured, malevolence praiſed, or treachery rewarded, merely becauſe the perſon adorned with ſuch qualities, employs them in the glorious ſervice of oppoſition.

To

To proclaim the errors, to triumph in the failures, to vilify the characters of miniſtry, have long been the favourite topics of party declamation; and there never, perhaps, was a time in which ſo looſe a rein was given to the impetuoſity of political reſentment.--That men who have ſo little regard for the credit and repoſe of others, ſhould arrogate to themſelves an inviolable ſanctity, is a caprice ſo unaccountably ridiculous, ſo prepoſterouſly unjuſt, that it muſt be left to their own explanation; for ſhould a ſingle error in their conduct be ſhewn, ſhould the abilities of the meaneſt, or the integrity of the baſeſt in their phalanx, be called for a moment into queſtion, the ſacrilegious attempt ſhall draw on it's devoted author the harſheſt epithets that ever yet were combined by rhetorical acrimony. But it is not by any illiberal imputation that diſgrace can be affixed to the freedom of juſt enquiries and remarks: an impartial obſerver will rather applaud the juſtice of thoſe who mark the features of political treachery, and develope the intrigues of factious cabal, in whatever party they deſcern them; who by an honeſt endeavour to ſeparate falſe pretences from real merit, by warning their country againſt malignity never to be countenanced, and perfidy never to be truſted, have made it the leading object of their views to enhance the value of patriotiſm, and to exalt the dignity of virtue.

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LETTER

TO

GENERAL BURGOYNE.

LETTER

TO

GENERAL BURGOYNE.

SIR,

HAVING in the preceding Eſſay, offered ſome general obſervations on that claſs of men to which you belong, I am naturally led to a more particular diſcuſſion of your caſe, as not only the moſt recent, but, perhaps, the moſt extraordinary that ever has occurred in the hiſtory of modern martyrdom. A compaſſionate reſpect for misfortune, and a delicacy even towards falſe honour, would have ſhielded you from any ſeverity of cenſure, had your ſuppoſed adverſaries met with civility or even juſtice at your hands. But ſince your ingenuity has been active in miſrepreſenting their motives, and traducing their characters, you cannot wonder, that your own ſhould be deemed the proper ſubject for an unreſerved, though candid examination:

tion: nor, ſince you have ſolicited, nay demanded the public judgment, by a voluntary appeal, can you be juſtly offended at the freedom of this enquiry. It is, indeed, rendered more peculiarly neceſſary by your late declaration in Parliament: for you have declined the purſuit of any other mode of vindication, and reſted your cauſe ſolely on the general opinion of your conduct, and on the efficacy of your printed defence. My object is, therefore, to examine the merits of your diſpute with government, more fully and minutely than any writer has yet attempted during the courſe of this controverſy: in the execution of which neceſſary, though painful, taſk, I ſhall ſtudiouſly avoid all perplexity of argument, or of expreſſion; the queſtions being ſimply theſe; What are the real cauſes of your continuance in England? and What the motives which impelled Government to order your return to America? The latter queſtion will neceſſarily include ſome obſervations on the order itſelf, and on the arguments by which you have attempted to invalidate or pervert it.

On the firſt part of the ſubject, it will, I think, be allowed, that your diſobedience to the command of your Sovereign muſt have proceeded from one or other of the three following

cauſes:

cauſes: the neceſſity of re-eſtabliſhing your health, the deſire of vindicating your character, or the hope of ſerving your new political confederates, and promoting the views of oppoſition. For I can hardly ſuppoſe you ſo loſt to the dignity of a man, or the duty of a ſoldier, as to be actuated by no other inducement, than a love of eaſe, and an attachment to the luxuries of this country. So unworthy a conſideration could on your mind at moſt have operated only as a ſecondary motive.

The firſt of theſe objects, I mean the re-eſtabliſhment of health, ought to have been the only rule of your conduct. When, in the terms of humble petition, you firſt ſolicited leave of abſence from that aſſembly, who had joined a degrading inſult on your "*perſonal honour*," to the moſt attrocious violation of public faith, the chief pretence on which your requeſt was urged, and the only one on which it was granted, was, the ill ſtate of your health.* And a ſhort time before your departure from America, you declared to Sir W. Howe, (in his quality of Commander in Chief) a determination of returning

* "Reſolved that Lieut. General Burgoyne, on account of his ill ſtate of health, have leave to embark for England."

Reſolutions of Congreſs, March 3d, 1778.

turning to your duty, the moment your health ſhould permit you. This was, therefore, the original condition on which you profeſſed, and was allowed, to gain a temporary exemption from the controul of the enemy, and from the ſervice of your country.—I am aware, in this part of the caſe, of the delicacy due to every man on the ſubject of his health, and that the *ipſe dixit* of even an imaginary invalid outweighs all arguments: ſo that, notwithſtanding every "*appearance*," if he will not allow himſelf to have the "*ſenſation*" of health, or even if he does, (but afterwards retracts it) no conjectures, however probable, no exterior ſymptoms, however clear, can juſtify the indignity of preſuming him to be in leſs danger than he imagines, or daring to compliment him on the proſpect of his recovery. Yet, I hope, you will pardon my obſerving, that this malady, which appears chiefly to conſiſt of a kind of horror of an American winter, and a a prediliection for the Bath waters in Summer, is, of all others, the moſt unfortunate for an officer on the American ſtaff; and for this plain reaſon, that the only intervals for his military atchievements, are contained in the Spring and Autumn months, which, however, muſt unfortunately be devoted to the two voyages of going and returning.—I will not, therefore, enquire

quire into any of the peculiarities which ſeem to attend this complaint; ſuch as the very agreeable regimen and diet it requires; for it is poſſible that ſome diſorders may be of ſo excentric a nature, as to demand the inverſion of every common rule. The toil of parliamentary debate, though prejudicial to all other conſtitutions, may, perhaps, have refreſhed and invigorated your's. But, though I have confeſſed that this extraordinary diſtemper is above my comprehenſion, yet I muſt beg leave to expreſs my ſincere congratulation, that one of it's moſt remarkable ſymptoms has ſo long ceaſed to exiſt. That complaint, which required the Bath waters, has not, I preſume, troubled you ſince the Autumn of ſeventy-eight; (for I think that was the laſt time you honoured Bath with your preſence) and though your averſion from American ſervice has continued, and even increaſed ſince that period, yet it appears by your laſt letters, that ill health is no longer the pretence by which you attempt to excuſe it.

The next conſideration is the ſuppoſed anxiety to vindicate your character and honour. And, however miſtaken the mode adopted in the purſuit of this object, we cannot without ſome

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partiality, reflect upon the principle which apparently gave rise to it.

Almost immediately after your return to England, it was his Majesty's pleasure that the conduct of the expedition under your command, and the causes of it's failure, should be submitted to the judgment of your profession: and in this the will of your sovereign coincided with your own professed desire.

That the purpose of this inquiry was not fulfilled, was owing to difficulties arising from the nature of your situation, and the consequences that any decision on your merits, might produce to the troops of the Convention.—The professional and only proper examination being thus necessarily delayed, not by any ministerial management, not by any secret measure of state, but by the wise and humane caution of the most experienced and respectable officers, it must have appeared neither wholly respectful to the opinion of your military superiors, nor perfectly consistent with the decency becoming your situation, to obtrude upon parliament a detail little adapted to the proceedings, and almost foreign to the objects of a legislative assembly. But since your

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reſtleſs impatience for an immediate, tho' an incomplete juſtification, or a more reſtleſs deſire of throwing the blame of your failure on miniſters, urged you to ſuch an ineffectual inquiry; it became a meaſure of propriety, as well as of compaſſion, in thoſe you had endeavoured to criminate and provoke, not to concur in an examination already declared dangerous, by perſons the beſt qualified to judge of it's tendency. You were therefore permitted to proceed throughout the whole enquiry in ſtating your own caſe, examining your own witneſſes, and drawing your own concluſions, without the ſlighteſt accuſation, contradiction, or controverſy.

On the conduct of this curious parliamentary trial, it is not my buſineſs to remark; nor will I examine what degree of weight, the opinion of a few officers, attached to their General by gratitude or friendſhip, can be ſuppoſed to have in the unbiaſſed judgment of his profeſſion and and country. My only purpoſe is to ſhew, that the object of canvaſſing, (or if you pleaſe of juſtifying) your conduct, had long ſince been attained; as far at leaſt as it can be attained during your preſent ſituation; and conſequently that we are not to aſcribe your diſobedience of his

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Majesty's order, to a pretence which, however specious it might at first have appeared, must be allowed to have entirely ceased long before that period, when you so confidently relied on it.

Since therefore it cannot be pretended that the true motive of your continuance in England arose from anxiety concerning your health, or zeal in the defence of your character, I am unavoidably led to consider the only remaining cause; which, tho' at first it may appear but little to your credit, will give us occasion not only to observe some curious manœuvres of modern politics, but to do justice to marks of benevolence and charity in your disposition, not hitherto taken notice of by your warmest admirers. Not that I feel any great pleasure in recurring to the view of that strange phænomenon, a modern military politician; who accepts or refuses a command, attacks or retires from the enemy, courts the delights of indolence, or rushes on the precipice of destruction, merely for the acquisition of political importance, or the gratification of political resentment: nor is it my purpose to inquire what rank you may be entitled to hold in this respectable phalanx. I wou'd only (with great

great deference) ſuggeſt, that vehement clamours and pompous harangues are not the only convincing proofs of merit, and that it may ſtill be doubted, whether recrimination is in all caſes the moſt unexceptionable mode of defence: not to mention, that the conduct of one, who at firſt, ſtrenuouſly ſupports and zealouſly defends the views and meaſures of government, and afterwards furiouſly attacks the ſame miniſters, reprobates the ſame meaſures, and declares his determination in every future occurrence, and on every poſſible event to accuſe and oppoſe them, is never wholly exempt from ſome kind of ſuſpicion. But as this part of the ſubject can produce no very agreable or flattering reflexions, allow me to turn from thence to a more pleaſing object, and to admire a magnanimity and moderation in one inſtance of your late conduct, ſo inconſiſtent with the general idea of your character, and ſo much the reverſe of your American proclamation. It will be obvious that I allude to your union with the parties in oppoſition; for ſurely it muſt require a more than heroic generoſity, not only to forgive, but to aſſociate with men who have accuſed us of the blackeſt cruelties, and aſſail'd us with the ſevereſt ridicule. Such was the conduct of oppoſition towards you, whilſt your arms were

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crown'd with ſucceſs. Every news-paper was filled with accounts of ravages and maſſacres committed by your order; every party declaimer expreſſed, in whining lamentations or bluſtering menaces, his abhorrence of the inhuman plan, and more inhuman conduct of the northern expedition. The general employed in ſuch a meaſure was invariably repreſented as a fit inſtrument to execute any the moſt ſavage ſcheme which the vindictive ſpirit imputed to miniſters might project: and, (what to *you* muſt have been infinitely more mortifying) even his judgment was called in queſtion, his talents were depreciated, and his language burleſqued.

Such was the treatment you once received from your preſent political confederates; who certainly at that time had ſome other views than to "*ſave their country*:"* ſince they made it a principal object to libel and traduce one of it's military ſervants, merely becauſe his efforts had been ſucceſsful, and becauſe the obloquy thrown upon him, would draw a ſtill heavier imputation on the civil officers of government. On what *terms* ſuch an union was made, or what *participation*† is intended to reſult from it, neither my ſubject

* General Burgoyne's letter, p. 8.
† The ſame letter page 8.

ſubject nor my inclination lead me to enquire. The common ſenſe of mankind will perhaps deem it unnatural, the ſpirit of your profeſſion may conſider it ſomewhat unworthy your former character, and every obſerver of political tranſactions may find it difficult to perſuade himſelf, that it could have been produced wholly by diſintereſted views and laudable purſuits: but it is enough for my purpoſe that the motive (whatever it be) of this new alliance is ſufficiently powerful to have counteracted the duty of military obedience: and ſince your conduct imports *this* to have been the real cauſe of your continuance in England, I ſhall leave to ſome of your more ingenious advocates the difficult taſk of reconciling it to conſiſtency, and to ſincere patirotiſm.

Having thus endeavoured to diſcover what is the ſource of your inclination, it may not be improper to enquire what ought to have been the ſuggeſtion of your duty.

It will ſcarcely, I think, be maintained, that the troops of the Saratoga Convention can in any light be conſidered as mere priſoners of war. By the ſtipulations of that treaty, the enjoyment of ſeveral independent rights, and the exerciſe

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of ſeveral military functions was expreſsly reſerved to them; and the officers of every rank retained in it's full extent, the power of preſerving regularity, of enforcing diſcipline, and of rewarding fidelity; but a far ſtronger argument, a far more intereſting motive ariſes from the peculiar nature of their ſituation; the fretfulneſs of diſappointed hopes, the preſſure of accumulated misfortunes, the allurement of artful temptations, might prove highly dangerous to the virtue of men, whoſe fortitude does not uſually ariſe from principle, whoſe patience is ſeldom the reſult of philoſophy. To counterpoiſe the weight, and fruſtrate the operation of ſuch motives, no circumſtance, perhaps, could be ſo efficacious, as the preſence and vigilance of thoſe ſuperior officers, whoſe example they were accuſtomed to follow, and whoſe authority they had been taught to revere. The Congreſs would, no doubt, moſt chearfully acquieſce in granting a parole to any officer of rank, whoſe ſituation afforded a reaſon, or whoſe invention could furniſh a pretence for requeſting it. But fortunately for the fidelity of theſe troops, fortunately for the intereſt of this country, it has not yet become the faſhion with every General to deſert his fellow ſoldiers in the hour of diſtreſs. The conduct of one diſtinguiſhed officer in the ſame army, appears to have been guided

guided by very different principles of honour; by far nobler ideas of duty. You will immediately perceive me to mean General Philips; who appears to have thought it highly neceſſary, that the troops ſhould ſtill have an officer of rank to command them; for tho' he had voluntarily embarked in the expedition, and did not properly belong to your army, † yet he generouſly waved his prior right to enlargement; and, leaving it to others to ſupplicate a favour, from inſolent and perfidious rebels, has chearfully ſhared the ſufferings of his gallant companions, and by the diligence of his attention, by the influence of his example, has maintained (even in captivity,) a regularity and diſcipline, that do honour to the Britiſh ſervice.

Should it from theſe circumſtances appear, that the preſence of their ſuperior officers is eſſential to the welfare, and even exiſtence, of this army, every argument above ſtated, will apply to your ſituation, with additional force. To acquieſce, tho' tacitly, in the ſhameleſs violation of your own treaty, (by accepting your liberty on different conditions, and giving the parole of an abſolute priſoner of war) would ap-

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† General Burgoyne's letter to Sir W. Howe, April 9th, 1778

pear to moſt men hardly conſiſtent with the wiſdom of a politician or the ſpirit of an officer; but to deſert your fellow ſoldiers in calamity, which your meaſures had produced, to exempt yourſelf wholly from misfortunes, of which you ought in juſtice, to have born the principal ſhare, will meet with approbation from none, but your new advocates in parliament.

Such, we may preſume, were the ſentiments, ſuch the motives of government in iſſuing the order you firſt received to return to your duty, yet ſo great was their attention to the re-eſtabliſhment of your health, (for which object alone, the parole had been granted) that, without waiting for any application on your part, they voluntarily made their order conditional, and ſet no other bounds to the time alloted for your ſtay, than the accompliſhment of your avowed intention.

It may ſeem rather inconſiſtent that you, who boldly queſtion the authority of ſuch an order, ſhould yet beſtow ſo much toil and ingenuity to elude it's purpoſe, and pervert it's conſtruction.

Your objection to it's authority, muſt either be founded on ſome new idea of the character and ſituation of a priſoner on parole, or on ſome

inference

inference ſuppoſed to ariſe from the report of that board of general officers, who had taken your caſe into conſideration.

The acknowledged laws of war, the practice of all civilized nations, and indeed the very terms of a parole, ſeem repugnant to the idea, that a priſoner releaſed on thoſe terms, is exempt from any civil or military ſubordination in his own country. It appears whimſical enough to ſuppoſe that a reſtraint from bearing arms againſt a particular enemy, and a promiſe to return on their requiſition, ſhould at once diſſolve every tie of allegiance to our ſovereign and of obedience to our ſuperior officers; but your own declarations render a further purſuit of this argument needleſs: for you more than once aſſert, that the board of Generals were miſtaken in reporting (as you ſuppoſe them to have reported) that you were exempt from all military ſubordination. The ſame aſſertion would likewiſe preclude you from objecting to the validity of your ſovereign's order on the ground of any thing contained in the report; but as you have endeavoured (with ſome art) to involve government in a ſimilar contradiction, by repreſenting their conduct in iſſuing ſuch an order, as directly repugnant to

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their former measure of postponing the enquiry; it may not be immaterial to examine, whether the board of Generals have given any opinion, that your situation exempts you from the duty of military obedience; and whether (even admitting this to have been their idea) his Majesty, in superseding the inquiry, must, of course, be supposed to have ratified such an opinion, and to have acted solely in compliance with that part of the report.

When, almost immediately after your return to England, your Sovereign, desirous as yourself of an inquiry into the true source of your misfortune, took the necessary measures for that purpose; he referred the consideration of this important subject to men, whose professional education, experience and ability, rendered them the most qualified to decide on it. The board appointed for this inquiry, "after due deliberation," (as they expressed it) submitted to his Majesty's consideration, "Whether Lieutenant General Burgoyne, being at present in Great Britain, by the permission of the Congress, and under the parole herein before expressed, is subject to any military jurisdiction, process, or examination, and should any proceeding be had by us, which may in any wise tend, however remotely, to restrain or effect his person, until such

ſuch parole is ſatisfied, whether the ſame may not operate to the prejudice of your Majeſty's ſervice, and poſſibly have very ſerious conſequences, reſpecting the troops included in the convention made at Saratoga."

The above report conſiſts of two parts: the firſt ſuggeſts a doubt, whether General Burgoyne, (ſo ſituated) is ſubject to any military juriſdiction, proceſs, or examination. Now, let us for a moment ſuppoſe, that this cautious doubt had been in effect a poſitive opinion; it is ſurely no abſurdity to ſay, that an officer, bearing a commiſſion, and accepting emoluments from the Crown, is bound to obey his Sovereign, even by the tie of military duty, though his peculiar ſituation may, for the preſent, exempt him from the juriſdiction of a court martial: as in ſome civil caſes, the temporary circumſtances which may retard a trial, do not of themſelves imply an impoſſibility of ſubſequent offence.

From this conſideration it will appear, that the doubt ſuggeſted by the Generals in the firſt part of their report, does not neceſſarily abſolve you from all military controul; and that the inference you would draw from thence, is more ingenious than juſt.

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The ſecond part of this report, expreſſes a ſerious and provident apprehenſion of prejudice to the ſervice, and danger to the troops, of the convention, by any proceeding that may tend to affect or reſtrain your perſon.

This ſuggeſtion (conſidered by itſelf) contains a very powerful argument, a moſt intereſting motive for ſuſpending the propoſed inquiry; and his Majeſty (as appears from his ſecond warrant) was determined by a view of *theſe* conſequences, and by a tender regard for the troops of the convention, to ſuperſede it.—We are not ſurely to conclude this ſtep a confirmation of any opinion that frees you from obedience (if indeed ſuch an opinion was meant to be ſuggeſted) ſince it is ſo evident that another, and far more important reaſon, was not only repreſented by the Generals, but expreſsly avowed by the ſovereign himſelf.

The foregoing remarks will perhaps convince every impartial inquirer, that the order injoining your return to America, is neither illegal in itſelf, nor repugnant to the former conduct of government; and, if to an officer, ſo circumſtanced, obedience to his ſuperiors is ſtill a duty in all points not inconſiſtent with his promiſe to

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the enemy, how much more binding is an order which directly coincides with that promise, and expressly enforces it's observance?

Your attempt to alter the nature and elude the consequence of this order, is more boldly, and somewhat more speciously, urged. No one, I believe, has asserted that the terms of it are not *conditional*; tho' many reasonable men are not yet perfectly satisfied, that the condition depended solely upon your will and pleasure. Lord Barrington's letter of June 5th, 1778, was expressed in the following terms: "the King, judging your presence material to the troops detained prisoners in New England, under the convention of Saratoga; and finding in a letter of your's to Sir William Howe, dated April 9th, 1778, "that you trust a short time at Bath will enable you to return to America," his Majesty is pleased to order that you shall repair to Boston as soon as you have tried the Bath waters in the manner you propose."

This first letter, in my apprehension, contains a positive order, tho' to take effect at a future period, limited almost precisely by the order itself.

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The next letter of Lord Barrington gives indeed, ſomewhat a greater latitude to the indulgence granted in the former, and inſtead of merely allowing you to try the Bath waters, makes the general ſtate of your health the guide by which you are to know his Majeſty's pleaſure, reſpecting your return to America. This is therefore the condition: a condition depending on future circumſtances, and the expreſs terms of which are calculated to render the order poſitive, on the accompliſhment of a certain event. When, therefore, you alledge, that "you have never received a poſitive order," if you only mean an order poſitive *at the time you received it*, ſuch an excuſe will rather be deemed an equivocation, than a defence; if on the other hand, you maintain, that an order, conditional and eventual at the time, can never be rendered poſitive by the accompliſhment of that condition, and the concurrence of thoſe circumſtances on which it depends, what underſtanding ſo ſhallow, but will inſtantly perceive the abſurdity?—Should a doctrine like this extend itſelf to the common tranſactions of life, the difficulties, inconveniencies, and contradictions, it muſt give riſe to, would exhibit an almoſt univerſal ſcene of petty vexations and ridiculous diſtreſs. It is not, therefore, too much to conclude, that a conditional order is not only nugatory, but unmeaning,

and

even puerile, unleſs the contingency to which it refers, is alone ſufficient to render it effectual.

The only remaining queſtion is, whether this order neceſſarily implies, that the accompliſhment of that event, which was to render it poſitive, could only be determined by your own diſcretion, and announced by your own declaration; or whether there might not be circumſtances ſufficiently ſtrong, and appearances ſufficiently clear, to warrant the inference, which was drawn from your conduct, and to juſtify the cenſure which was paſt on it.——It may not, however, be immaterial to premiſe, that a deciſion of this point in your favour, whatever reproach it might throw on your ſuppoſed adverſaries, would ſcarcely enable you to juſtify yourſelf. For, ſhould nothing leſs than your own admiſſion be deemed a ſufficient proof, that the order, at firſt conditional, was become poſitive and peremptory; yet even ſuch an admiſſion is contained in you letter (of October the 9th) to the ſecretary at war: where the pretence of ill health is evidently relinquiſhed, and another pretence diſreſpectful to your ſovereign, as well as to your profeſſion, is ſet forth in ſtudied periods, and exaggerated with bitter invectives.

Yet tho', by the letter alluded to, your only exculpation is given up, and the charge of diſ-

obedience fully eſtabliſhed, curioſity may ſtill prompt us to inquire, whether the order of your ſovereign was indeed of a nature ſo wonderfully complaiſant and convenient, that it reſted ſolely and perpetually on your inclination, either to reſpect and obey, or to diſregard and deſpiſe it. If becauſe ſo much indulgence was granted, and ſo much delicacy ſhewn, if becauſe your own honour and diſcretion were in ſome degree relied on, it muſt from thence be concluded that no length of time, no concurrence of circumſtances, no conduct of your own, could juſtify your preſuming ſuch a ſtate of health as the order eventually pointed out; ſuch an order is not only conditional, and even (as you term it) optional, but in plain Engliſh, it is no order at all, and muſt be conſidered as a modeſt ſuggeſtion, an humble requeſt from the ſovereign to his ſubject, from the head of all our armies to one of his ſubordinate officers; the abſurdity of ſuch an idea is, in my apprehenſion, too extravagant even for ridicule, the ignorance it would manifeſt is almoſt beneath contempt.

If, therefore, your ſovereign, or thoſe by whoſe advice he acted, may be allowed to have had ſome meaning in iſſuing the order you received, they muſt be ſuppoſed to mean, not only that you ſhould conſider the order as poſitive the moment

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your health could be deemed in a tolerable ſtate of ſafety, but that in ſome events diſobedience might be inferred from other proofs than your own declaration.

Let us then for a moment ſet aſide your letter (of the 9th of October laſt) in which the pretence of ill health is deſerted; and ſuppoſe that ſome other officer, after having received ſuch an order as was conveyed to you by the letters from Lord Barrington, ſhould continue in England ſixteen months after that period, ſhould omit during the laſt twelve months to uſe the principal remedy preſcribed for his complaint, and to fulfil the principal object of his return from ſervice; ſhould (without prejudice to his health) encounter the fatigues of buſineſs; and, in ſhort, repeatedly and continually manifeſt a determination to diſobey his ſovereign's order, tho' the contingency on which it was to become poſitive, had evidently taken place; ſhould he at length, after the expiration of ſixteen months, receive a third letter, cenſuring his former neglect and enforcing future obedience; I would have left it to your own judgment at any former period, whether an officer ſo circumſtanced, would have any right to impute malevolence, or complain of oppreſſion.

On the contrary, the continued forbearance, the equitable indulgence, and even in the

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laſt inſtance the evident intention of rather admonishing you to return to your duty, than of punishing your diſobedience, cannot fail to convince the world, that no political reſentments (however well founded) are ſuffered to interfere in the regulation of military affairs. It muſt as forcibly ſtrike every man, unbiaſſed by party prejudices, that, tho' the dignity of the Crown, and the welfare of the ſervice required ſome cenſure ſhould be paſſed on a conduct tending to the ſubverſion of both, yet even this apparent ſeverity was tempered with benevolence and moderation.

I have now, Sir, performed my promiſe of examining the ſeveral ſuppoſed motives of your ſtay in England, of ſtating the probable inducements with Government, to order your return to America, of diſcuſſing the validity and import of that order, and canvaſſing the pretences ſet up againſt it. And now I ſhould with pleaſure take my leave of a diſagreeable ſubject, but that there appears ſomething ſo very uncommon in almoſt every part of your conduct, from the convention of Saratoga to the preſent hour, that curioſity tempts me to take a curſory view of it.

I will begin with your policy in framing the convention. And here the firſt object that attracts our notice, is your very ſingular boaſt, of having

ving *dictated* the terms. On what reaſonable ground a General, who has ſurrendered his army into the power of an enemy, can boaſt of having dictated the terms of ſuch a ſurrender, would perhaps puzzle any other man of plain underſtanding to diſcover: but I, who have long had the happineſs of being familiar with your ſtile, and carefully ſtudied every turn of your compoſition, preſume you to mean, that General Gates, provided he could incapacitate your troops from ſerving in America, was diſpoſed to grant you every other indulgence conſiſtent with his acknowledged ſuperiority. And indeed his ſo readily agreeing to the terms you propoſed (or, as you are pleaſed to call it, *dictated*) is no ſlight evidence of ſuch a diſpoſition. It is not probable, therefore, that he would have oppoſed your wiſhes, had you (inſtead of leaving it to his choice) aſſigned Quebec as the place of embarkation, by which means you might immediately have conducted the whole army out of the provinces in rebellion, with the ſame ſecurity as your Canadian followers were permitted by this very treaty to return directly to that colony.

You could not ſurely doubt, whether it was more prudent to truſt the performance of ſuch a treaty to your own honour and that of your country, than to the faith of men whom you had ſtigmatized as rebels and traitors: You could

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not be ignorant that the Congreſs, on a former and nearly ſimilar occaſion, * had ſhewn their diſregard of public faith, and their contempt of the law of nations; and that, independently of future occurrences, it was even then manifeſtly their intereſt rather to detain the troops in captivity, than to ſuffer them to return for the defence of this kingdom. But though a confidence ſo indiſcreetly repoſed, may be palliated by our reſpect for even romantic honour, yet we cannot but regret a meaſure, the myſterious policy of which proved a foundation of endleſs diſputes, and furniſhed a thouſand pretences for perfidy.

The ſituation in which this treaty had placed you, was ſo novel in it's kind, and even the continuance of your preſent immunities, as well as the accompliſhment of your future hopes, ſo precarious, ſo entirely dependent on the pleaſure of the enemy, as to require every poſſible attention to the dictates of prudence, of candour, and of moderation. Yet you ſought almoſt immediately for cauſes of diſpute, with thoſe into whoſe power you had delivered yourſelf and your army, and on whoſe faith alone you muſt of neceſſity depend for your enlargement. You accuſed them of

* The convention made by General Arnold with Captain Foſter, for an exchange of priſoners taken at the Cedars, and evaded by Congreſs.

of a direct and willful breach of the convention; merely because you had not been accommodated quite so genteely and conveniently during your journey as you might wish and expect. This charge, so captious, and so inoffensive, as it certainly afforded the chief pretence, so it probably suggested the first idea of a real and essential violation. Your injudicious, and (in some instances) mistaken disputes with General Heath, were somewhat of a similar nature, though possibly not quite so pernicious in their consequences.

On the propriety of your quitting the convention troops under such circumstances, sufficient has been said already. Neither is it necessary to expatiate at large on the degrading humiliation of soliciting a favour of the Congress, from whom you had just received the severest insult; nor on the indiscretion of giving such a parole as might be construed into an admission that you, and consequently your army, might be lawfully considered as absolute prisoners of war.

Let me now attend your return to this country, in which your exploits have been as numerous and perhaps even more extraordinary than your American operations.

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The political ſyſtem adopted immediately on your arrival, does not indeed owe it's origin to the fertility of your own invention. On the firſt account of your defeat and ſurrender, the conſternation and grief univerſally excited by ſuch an opprobrious calamity, was deemed by oppoſition the moſt favourable occaſion to introduce a new charge againſt their adverſaries; and the Secretary for the American department was choſen as the principal object of this partial, anticipated, and unſupported cenſure. Thus was the track of your future conduct previouſly prepared, and induſtriouſly delineated. But whilſt every art of political management was exerted, and every ſinew ſtrained to procure a freſh inſtrument for the purpoſes of party; it was, I believe, the wiſh of every friend ſincerely zealous for your honour, and really attached to your welfare, that you might ſpurn with contempt ſuch unworthy, ſuch ineffectual means of juſtification. Unhappily the allurement of party connexions was too ſtrong to be counteracted by the influence of candour and diſcretion. The accuſation of miniſters appeared to you the neceſſary engine of your own defence: and though it was not eaſy to ſhew the defect and error of a plan, aſſented to, and acted upon by yourſelf; though it could not be denied, that you were furniſhed with every

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requiſite for that important ſervice; yet the want of eſſential facts, and well grounded arguments, was at leaſt apparently ſupplied by a profuſion of declamatory charges, and peevish complaints.

Thus involved in party meaſures, and perverted by party zeal, you appear even to this moment unconcious that the proof of all your imputations on Miniſters, would not have neceſſarily implied a blameleſs, and ſtill leſs a meritorious conduct in yourſelf; for, as ſchemes the beſt concerted, and moſt judiciouſly executed, may fail of their effect, by the intervention of ne catual obſtruction, or ſome unavoidable calamity; ſo on the contrary, a meaſure the moſt improvident and hazardous in itſelf, may in ſome caſes have been fruſtrated, not only by error in the deſign, but miſconduct in the execution. The ſuppoſition, therefore, in your late pamphlet, that his Majeſty's order for your return to America was adviſed by Miniſters who were parties in a diſpute with you, proves as ill grounded as it was illiberal; that they never conſidered themſelves as ſuch, is clear, from their conduct during the whole of your parliamentary inquiry.

Yet even the extravagance of this laſt ſuppoſition will leſs ſurprize us, when compared to

your very original and entertaining idea of imputations on the conduct of your troops.—Had you at any time condescended to inform us from whom these pretended imputations originated, by whom they were propagated, or in what they consist, we might indeed have inquired whether this was the proper mode to be employed in defence of your troops; we might have doubted how far your conduct had been really actuated by zeal for their honour, but we should at least have allowed you the merit of some art in connecting the cause of your army with your own. But since the aspersions you mention were perhaps never heard or dreamt of by any man living but yourself; since the convention troops (especially the British) have invariably received the applause due to their intrepidity, and perseverance; we must of necessity ascribe all that rapsody about "*innocent men, base and barbarous aspersions, malignity and power*," to the vanity of exhibiting an image of creative fancy, or displaying a period of tuneful composition.

It is unnecessary here to repeat the remarks on your disobedience of his Majesty's order, or on the pretences by which that disobedience is attempted to be justified. They may all be comprized in these three propositions: that the convention troops are in the state of absolute pri-

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ſoners of war; that his Majeſty ſuperſeded the court of inquiry on the ground that you were not amenable to any military juriſdiction; and that the order itſelf was ſo entirely optional, that from it's nature it could never be diſobeyed. All which pretences will, (I think) have no other effect than to prove a happy ingenuity in argument, and to exemplify the powers of a heated imagination.

To anſwer the general charges, and hackny'd imputations on government, is inapplicable to the preſent ſubject; as little is it neceſſary to take any notice of the petty injuries, and viſionary wrongs, complained of in the perſons of your friends. As to your own, I have dwelt on them long enough to be heartily weary of the diſcuſſion. And perhaps, as they were almoſt forgotten by the world, your vanity will thank me for having revived them, though not entirely in the moſt flattering manner. For what cannot be effected by the vanity of that man, who, becauſe he was once of ſufficient importance to almoſt ruin the ſtate, thinks it can now be a meaſure of ſtate to compaſs his deſtruction?

At length, ſir, I take my leave of a ſubject, by no means agreable in the diſcuſſion. I will freely own the firſt motive that led me to this inquiry, was a deſire of vindicating characters very power-

powerfully, or at leaſt ſpeciouſly aſſailed. Every ſtep I have proceeded in it, every view in which I have conſidered it, has uniformly tended to confirm me in this opinion, that you are not that oppreſſed officer, not that unprejudiced politician, which your ſpeeches and publications have ſo induſtriouſly proclaimed you—that whatever misfortunes you may have ſuffered, whatever loſſes you may have endured, have been the conſequence of your own acts, or the effects of your own ſolicitation. —Had the caſe appeared otherwiſe to my mind, no conſideration could ever have induced me to throw the leaſt imputation on your conduct, or inſinuate the ſlighteſt doubt of your ſincerity.— I will only add, that it is happy for yourſelf, if your "*ambition is dead.*"—It will perhaps be no leſs happy for this country, when your preſent political "*occupation is gone.*" Let me hope, that, in the *preſervation* of your private *friendſhips*, you may prove leſs capricious than in your public connexions; and that the boaſted *tranquillity* of your mind, may in future ariſe from no other ſources, than the ſincerity of candour, and the conſciouſneſs of truth.

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